



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,026	11/03/2003	Steven G. Mathena		2144

7590 03/03/2006
Steven G. Mathena
2524 Congress St. #4
Ft. Myers, FL 33901

EXAMINER

GALL, LLOYD A

ART UNIT PAPER NUMBER

3676

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

10/699,026

Applicant(s)

MATHENA, STEVEN G.

Examiner

Lloyd A. Gall

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The disclosure is objected to because of the following informalities: In the second replacement of paragraph 2 on page 3, line 10, it appears that "19 a" should read --19a--. In the second replacement of the second paragraph on page 2, line 4 thereof, it appears that the use of inches and feet is inaccurate. Further, it is submitted that the following objections that were set forth on page 2, the first paragraph of the Office action of October 6, 2005, have not been addressed in the last amendment: on page 2, line 17, it is not clear how the marks 7a-7d "indicate the spacing" of the wafers. On page 3, line 11, when the reader bar 2 passes through opening 19a, is this referring to the bend 2a being engaged in the opening 19a, or does the entire bar 2 pass through the opening 19a?

Appropriate correction is required.

Applicant should note that the drawing correction filed on December 22, 2005 is not approved, as it does not comply with 37 CFR 1.121, since the top should be labeled as "Replacement Sheet". Also, the claim listing does not comply with 37 CFR 1.121, since the status identifier of the claims should read "Currently amended".

Claims 1-3 are objected to because of the following informalities: In claim 1, lines 4-5, claim 2, lines 4-5, and claim 3, lines 4-5, it is not clear how the information at elements 5, 16, and 8a-8e which is visible through the opening 19b defines all of the "locations, depth and space" for each wafer. In claim 1, line 7, does just the bend received in the opening 19a, or does the entire sliding bar 2 extend out of the opening 19a? Appropriate correction is required.

Art Unit: 3676

In view of the above objections to the specification and to the claims, the claims are rejected as best understood, on prior art, as follows.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 as best understood is rejected under 35 U.S.C. 102(b) as being anticipated by Dobbs (5,224,365).

Dobbs teaches a system for duplicating keys, including a basic key reader 50 in figure 2 for insertion into a cylindrical lock, at least one sliding bar reader 133, 101 which has a portion 129 to engage a wafer, wherein information concerning the location, depth and space of the wafer is read at opening 149, and the sliding bar reader also includes a bend just below numeral 101 in figure 2 which is locked within another opening 87 of the reader to prevent the loss of the reader.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell in view of Herzenberg.

McConnell teaches a system for duplicating keys including a basic key reader 14 and a sliding bar reader 32 for touching and determining the location, depths and spaces of

wafers within a lock, and reading information at 80, 82 in an opening or groove 30 (see column 4, line 13) of the head 16 of the reader. The free end thereof at numeral 36 in figure 1 defines a knob for the bar reader. Herzenberg teaches providing an identical color (see color match of column 5, line 51) between a knob portion 36 of a key portion and a holder portion 82. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an identical color between the knob (at 36) of McConnell and the reader 14, in view of the teaching of Herzenberg, the motivation being as an indication of which bar reader should be used with which basic reader.

Claim 3 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell in view of Naill (151) and Heredia.

McConnell has been described above. Naill teaches recording information (see column 3, line 2) for lock decoders 52 for vehicles (see column 1, line 62). Heredia teaches that it is well known to record vehicle information on cards 16, as seen in figure 10J. It would have been obvious to record the information of vehicles used with the basic key reader of McConnell on cards, in view of the respective teachings of Naill and Heredia, the motivation being to provide a directory for convenient access of information for specific locks, for key duplication purposes.

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed December 22, 2005 concerning claims 2 and 3 have been fully considered but they are not persuasive. In response to applicant's remarks on page 1, the third full paragraph, it remains unclear how the marks 7a-7d indicate the

Art Unit: 3676

spacing of the wafers, since as seen in figure 1, the marks 7a-7d are not within the opening 19b, but are spaced forwardly therefrom. In response to the remarks on page 2, the first paragraph, these remarks are regarded as moot in view of the new grounds of rejection for claim 1, which was necessitated by applicant's amendments to claim 1.

In response to the remarks on page 2, the second paragraph concerning claim 2, it is submitted that applicant's remarks attack the Herzenburg reference individually, and the combination of the references in the rejection is not addressed. The primary reference to McConnell is regarded as teaching a knob on the sliding bar, as well as the basic reader. The basic key reader serves as a holding for the sliding bar. Similarly, the portion 82 of Herzenburg teaches a portion of a holder for the knob portion 36 of the key portion. The knob portion and basic key reader/holder of McConnell and Herzenburg all inherently have a color. It is regarded as obvious to provide an identical color between a key portion and a holder portion for the key/key reader, in view of the teaching of Herzenburg.

With respect to applicant's remarks on page 2, the last paragraph, it is not clear what limitations of claim 3 are not taught by the primary reference to McConnell, other than the recording of information, which is clearly taught by the secondary references to Naill and Heredia.

This action is a **final rejection** and is intended to close the prosecution of this application. Applicant's reply under 37 CFR 1.113 to this action is limited either to an appeal to the Board of Patent Appeals and Interferences or to an amendment complying with the requirements set forth below.

If applicant should desire to appeal any rejection made by the examiner, a Notice of Appeal must be filed within the period for reply identifying the rejected claim or claims appealed. The Notice of Appeal must be accompanied by the required appeal fee of \$250.

If applicant should desire to file an amendment, entry of a proposed amendment after final rejection cannot be made as a matter of right unless it merely cancels claims or complies with a formal requirement made earlier. Amendments touching the merits of the application which otherwise might not be proper may be admitted upon a showing a good and sufficient reasons why they are necessary and why they were not presented earlier.

A reply under 37 CFR 1.113 to a final rejection must include the appeal from, or cancellation of, each rejected claim. The filing of an amendment after final rejection, whether or not it is entered, does not stop the running of the statutory period for reply to the final rejection unless the examiner holds the claims to be in condition for allowance. Accordingly, if a Notice of Appeal has not been filed properly within the period for reply, or any extension of this period obtained under either 37 CFR 1.136(a) or (b), the application will become abandoned.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

Art Unit: 3676

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
February 28, 2006


Lloyd A. Gall
Primary Examiner